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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,112	01/04/2000	REED PADI MAW STURTEVANT	11040/002001	1247

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EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/478,112

Applicant(s)

STURTEVANT ET AL.

Examiner

Mary Cheung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-21 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-21 and 23-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- ☐ Interview Summary (PTO-413) Paper No(s). _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

1. The request filed on April 15, 2003 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/478,112 is acceptable and a RCE has been established. An action on the RCE follows.

Status of Claims

2. Claims 1-11, 13-21 and 23-27 are pending. Claims 1, 16-21 and 27 have been amended. Claim 12 has been deleted.

Response to Arguments

3. Applicant's arguments filed February 13, 2003 have been fully considered but they are not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

4. Applicant's all other arguments with respect to claims 1-11, 13-21 and 23-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
7. Claims 1-5, 10-11, 16-18, 21, 23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, U. S. Patent 6,233,576 in view of Janis, EP 0 447 339 A2.

As to claim 1, Lewis teaches a method comprising:

- a) Making at least one digital facility available from a source to clients via an electronic communication medium (Figs. 1-2),
- b) Associating with at least one of clients an access permission that enables the client to access at least one of the digital facilities (column 10 lines 37-39, 55 –

column 11 line 20 and column 12 lines 5-10, 64 – column 13 line 15 and column 14 lines 38-45 and column 15 lines 36-67 and Fig. 2),

c) Associating with at least one of the clients a grant permission that enables the client to give to another client a permission with respect to at least one of the digital facilities (column 10 lines 37-39, 55 – column 11 line 20 and column 12 lines 5-10, 64 – column 13 line 15 and column 14 lines 38-45 and column 15 lines 36-67 and Fig. 2),

d) The permission information of clients is tested for verifying access rights of the users (column 13 lines 13-15 and column 16 lines 1-63).

Lewis does not specifically teach creating a client profile for each of the clients, and the permission information with respect the corresponding client is included in said client's profile. However, Janis teaches each client's profile includes said client's permission information (column 6 line 41 – column 7 line 17 and Figs. 3-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to allow Lewis to create a client profile, and the client's permission information in Lewis' teaching to be included in said client's profile for better organizing each client's permission information.

Lewis modified by Janis teaches individual granting permission to another individual as discussed above. Lewis modified by Janis does not specifically teach the clients comprise companies and individuals who are associated with respective companies, and a company permission applies to the company and its individuals. It would have been obvious to one of ordinary skill in the art to allow the system of Lewis

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modified by Janis to be used for company granting permissions for individual clients so that this secured system would be expanded its usage environment. Furthermore, it would have been an obvious matter of design choice to modify the teachings of Lewis and Janis to provide the step of allowing the clients to comprise companies and individuals who are associated with respective companies, and a company permission applies to the company and its individuals. Since the applicant has not disclosed that this criteria solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Lewis modified by Janis will perform the invention as claimed by the applicant with any means, method, or product to allow the clients comprise companies and individuals who are associated with respective companies, and a company permission applies to the company and its individuals.

As to claim 2, Lewis teaches the user permission that is granted to another user comprises a perform permission (column 7 lines 36-67).

As to claim 3, Lewis teaches the user permission that is granted to another user comprises a grant permission (column 10 lines 37-39, 55 – column 11 line 20 and column 12 lines 5-10, 64 – column 13 line 15 and column 14 lines 38-45 and column 15 lines 36-67 and Fig. 2).

As to claim 4, Lewis teaches the digital facility comprises data (Figs. 1-2).

As to claim 5, Lewis teaches the digital facility comprises a service (Figs. 1-2).

As to claim 10, Lewis teaches the user can give another user both perform permission and grant permission (column 7 lines 36-67 and column 10 lines 37-39, 55 – column 11 line 20 and column 12 lines 5-10, 64 – column 13 line 15 and column 14 lines 38-45 and column 15 lines 36-67 and Fig. 2).

As to claim 11, Lewis teaches the digital facility comprises an application program, and the application defines permissions grantable to users (column 12 line 64 – column 13 line 15).

As to claim 17, Lewis teaches apparatus comprising:

- a) Means for making at least one digital facility available from a source to users via an electronic communication medium (Figs. 1-2),
- b) Means for associating with at least one of users an access permission that enables the user to access at least one of the digital facilities (column 10 lines 37-39, 55 – column 11 line 20 and column 12 lines 5-10, 64 – column 13 line 15 and column 14 lines 38-45 and column 15 lines 36-67 and Fig. 2),
- c) Means for associating with at least one of the users a grant permission that enables the user to give to another user a permission with respect to at least one of the digital facilities (column 10 lines 37-39, 55 – column 11 line 20 and column 12 lines 5-10, 64 – column 13 line 15 and column 14 lines 38-45 and column 15 lines 36-67 and Fig. 2),
- d) The permission information of clients is tested for verifying access rights of the users (column 13 lines 13-15 and column 16 lines 1-63).

Lewis does not specifically teach means for creating a user profile for each of the users, and the permission information with respect the corresponding user is included in said user's profile. However, Janis teaches each user's profile includes said user's permission information (column 6 line 41 – column 7 line 17 and Figs. 3-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to allow Lewis to create a user profile, and the user's permission information in Lewis' teaching to be included in said user's profile for better organizing each user's permission information.

Lewis modified by Janis teaches individual granting permission to another individual as discussed above. Lewis modified by Janis does not specifically teach the access permission or the grant permission is determined by a combination of an individual permission and a company permission. However, Lewis modified by Janis teaches a flexible system that allows the user to define different types of access control (Lewis: column 12 lines 40-67; Janis: abstract). It would have been an obvious matter of design choice to modify the teachings of Lewis and Janis to provide the step of the access permission or the grant permission is determined by a combination of an individual permission and a company permission. Since the applicant has not disclosed that this criteria solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Lewis modified by Janis will perform the invention as claimed by the applicant with any means, method, or product to allow the user to define the access

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permission or the grant permission that is determined by a combination of an individual permission and a company permission.

As to claim 27, Lewis modified by Janis as discussed in claim 1 further teaches a method comprising:

- a) Making at least one digital facility available from a source to users via an electronic communication medium (Lewis: Figs. 1-2);
- b) Maintaining a database of user profiles that define permissions of users to access the digital facility (Lewis: column 10 lines 37-39, 55 – column 11 line 20 and column 12 lines 5-10, 64 – column 13 line 15 and column 14 lines 38-45 and column 15 lines 36-67 and Fig. 2; Janis: column 6 line 41 – column 7 line 17 and Figs. 3-4);
- c) Authorizing at least one user to create user profiles for other users (Lewis: column 10 lines 37-39, 55 – column 11 line 20 and column 12 lines 5-10, 64 – column 13 line 15 and column 14 lines 38-45 and column 15 lines 36-67 and Fig. 2; Janis: column 6 line 41 – column 7 line 17 and Figs. 3-4);
- d) Automatically making a user who creates a profile for another user or company, a manager of the profile of the other user or the company is taught by Lewis modified by Janis as defining different levels of access for each user (Lewis: column 5 lines 33-45 and column 10 lines 37-39, 55 – column 11 line 20 and column 12 lines 5-10, 64 – column 13 line 15 and column 14 lines 38-45 and column 15 lines 36-67 and Fig. 2; Janis: abstract).

Claim 16 is rejected for the similar reason as claim 1.

Claims 18, 21, 23 and 25 rejected for the similar reason as claim 17.

8. Claims 6-9 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, U. S. Patent 6,233,576 in view of Janis, EP 0 447 339 A2 in further view of Schneider et al., U. S. Patent 6,178,505.

As to claims 6-7 and 9, Lewis modified by Janis teaches granting permission to users as discussed above. Lewis modified by Janis does not specifically state that the source comprises a web server, the user comprises individuals using web browsers, and the electronic communication medium comprises the Internet. However, these well known features are specifically taught by Schneider (column 4 lines 58-67 and Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the web server, web browsers and Internet as taught by Schneider in the system of Lewis modified by Janis for faster communication among the users.

As to claim 8, Lewis modified by Janis does not specifically teach the users are employees of companies. However, Schneider teaches this matter (column 4 lines 58-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the method of Lewis modified by Janis to be used for employees of companies as taught by Schneider so that this secured system would be expanded its usage environment.

Claims 19-20 are rejected for the similar reasons as combining claims 6-9 and 17.

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9. Claims 13-15, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, U. S. Patent 6,233,576 in view of Janis, EP 0 447 339 A2 in further view of Abadi et al., U. S. Patent 5,173,939.

As to claims 13-14 and 26, Lewis modified by Janis teaches granting permission to users as discussed above. Lewis modified by Janis does not specifically teach the user permission comprises an aggregate of permissions, the aggregate permission includes fundamental permissions that have arguments of a common type. Abadi teaches this matter (Figs. 2-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aggregate permission and the fundamental permission in the system of Lewis modified by Janis for better granting permissions.

As to claim 15, the method of Lewis modified by Janis further modified by Abadi does not specifically teach the other's user's permission with respect to the digital facility is determined by a combination of individual permissions and company permission. It would have been obvious to one of ordinary skill in the art to include the feature of obtaining a permission by combining two different permissions or authentications in the method of Lewis modified by Janis further modified by Abadi for better granting permissions to users.

As to claim 24, Lewis modified by Janis does not specifically teach the permissions comprise cascading permissions. However, Abadi teaches this matter (column 6 line 50 – column 7 line 35). It would have been obvious to one of ordinary

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skill in the art at the time the invention was made to include the cascading permissions in the system of Lewis modified by Janis for better granting permissions.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 305-7687 (Official Communications; including After Final
Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7th Floor Receptionist.

Mary Cheung
Patent Examiner
Art Unit 3621
June 12, 2003


JOHN W. HAYES
PRIMARY EXAMINER